

REMARKS

Applicant gratefully acknowledges the allowance of claims 1, 2, 4-12, 26-32 and 34-44.

Statement of Common Ownership

The undersigned attorney of record hereby states that the present application and US patent 6,471,822 to Yin et al. were, at the time the present invention was made, commonly owned by, or subject to an obligation of assignment to, the same person, namely, Applied Materials, Inc.

Rejection of Claims 3, 33, 45 and 46

Claims 3, 33, 45 and 46 were rejected under 35 USC 103(a) as unpatentable over US patent 6,471,822 to Yin.

Applicant traverses the rejection because the Yin patent and the present invention were commonly owned at the time the present invention was made. Furthermore, comparing the filing date of the present application with the filing and issuance dates of the Yin patent shows that the Yin patent cannot be prior art against the present invention under 35 USC 102(a), (b), (c) or (d). Consequently, 35 USC 103(c) precludes the use of Yin as a prior art reference under 35 USC 103(a) against the present invention.

The Yin patent does not anticipate the claimed invention because Yin fails to disclose the magnetic field strength at the substrate position.

Therefore, all pending claims are allowable.

Additional Reasons for Patentability of Claims 3, 33, 45 and 46

Although the Examiner may find other references that disclose magnets of various strengths, Applicant would like to emphasize that the claimed invention is not merely directed to the strength of the magnet, but rather is directed to the relationship between the respective magnetic field strengths at two positions in the chamber.

Specifically, claims 3, 33 and 45 require the magnetic field to be at least 100 gauss at one position in the exhaust channel and less than or equal to 5 gauss at the substrate position. In other words, the ratio between the magnetic field strength at these two positions must be at least 20. Claim 46 requires the magnetic field at one position in the exhaust channel to be strong enough to block the plasma, but less than or equal to 5 gauss at the substrate position.

Applicant is unaware of any prior art teaching the claimed relationship between the magnetic field strength in the exhaust channel and at the substrate position.

If the Examiner does uncover additional prior art, Applicant respectfully requests the Examiner to designate the relevant portions of the reference(s) in compliance with 37 CFR 1.104(c)(2), instead of merely stating that all figures and text are relevant, as the Examiner did in the present office action.

Respectfully submitted,



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